

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

September 27, 2004

DIVISION ONE

B164479 Espino (Not for Publication)

v.

White Consolidated Industries, Inc.

The order granting a partial new trial is affirmed. The appeal from the order granting a partial judgment notwithstanding the verdict is dismissed. Plaintiffs Yadanara Espino and Ojani Andrade are entitled to their costs on appeal.

Mallano, J.

We concur: Spencer, P.J.

Ortega, J.

B175834 Cynthia R. (Not for Publication)

v.

Superior Court, Los Angeles County
(Department of Children & Family Services, r.p.i.)

The petition is denied.

Mallano, J.

We concur: Spencer, P.J.

Ortega, J.

B171050 Southern California Edison Company

v.

Public Utilities Commission

Filed order modifying opinion. Petition for rehearing is denied. (Change in judgment)

September 27, 2004 (Continued)

DIVISION TWO

B177314 Johnson
 v.
 Antelope Valley Union High School District

Filed order granting motion to dismiss appeal. Appeal (notice of appeal filed August 11, 2004) dismissed.

DIVISION THREE

9-27-04

124441-04

The **HONORABLE ROBERT M. MALLANO**, Associate Justice of the Court of Appeal, Second Appellate District, **Division One**, is hereby assigned to assist the Court of Appeal, Second Appellate District, **Division Three**, as a justice thereof, on the following date:

October 18, 2004

and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Court of Appeal justice, all petitions for rehearing arising out of such causes and matters.

This assignment does not extend to any matter in which the panel would be composed of two justices pro tempore.

Dated: September 22, 2004

Ronald M. George
Chief Justice of California and
Chairperson of the Judicial Council

DIVISION FOUR

B169932 People (Not for Publication)
v.
Samiei

The judgment is affirmed.

Curry, J.

We concur: Epstein, Acting P.J.
Hastings, J.

[illegible]

The judgment is affirmed.

Epstein, Acting P.J.

We concur: Hastings, J.
Curry, J.

B175029 People (Not for Publication)
v.
Phillips

The judgment is affirmed.

Curry, J.

We concur: Epstein, Acting P.J.
Hastings, J.

B165817 Kheiltash
v.
Kheiltash

Filed order vacating opinion filed September 24, 2004.

DIVISION FOUR (Continued)

B165817 Kheiltash (Not for Publication)
 v.
 Kheiltash

The orders are affirmed. Respondent is to recover his costs on appeal.

Grimes, J. (Assigned)

We concur: Epstein, Acting P.J.
 Hastings, J.

DIVISION FIVE

B172131 People (Not for Publication)
 v.
 Marcus Broadnax

The minute orders of November 12 and December 9, 2003 and the abstract of judgment are ordered corrected to show that the enhancement was imposed pursuant to section 12022.5, subdivisions (a) and (d). The clerk of the superior court is instructed to prepare an amended abstract of judgment reflecting the correct enhancement and to deliver a copy of the amended abstract to the Department of Corrections. The judgment of conviction is affirmed in all other respected.

Armstrong, J.

We concur: Turner, P.J.
 Mosk, J.

DIVISION FIVE (Continued)

B166048 Gary Libra (Not for Publication)
v.
DeWitt, Algorri & Algorri

The judgment and order granting summary judgment are reversed. The trial court is directed to enter a new and different order denying the motion for summary judgment. The attorneys appeal is dismissed. Appellants are awarded their costs on appeal.

Grignon, Acting P.J.

We concur: Armstrong, J.
Mosk, J.

DIVISION SIX

B168993 People (Not for Publication)
v.
Vernon Jones

The judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.
Yegan, J.

B168679 People (Not for Publication)
v.
Ferrell

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Perren, J.

September 27, 2004 (Continued)

DIVISION SEVEN

B162161 People v. Mageno (Not for Publication)
B175742 In re Mageno on Habeas Corpus

The judgment is modified to strike the enhancements imposed under Penal Code section 12022.53 subdivisions (b) and (c), Penal Code section 12022, subdivision (a)(1) and Penal Code section 186.22, subdivision (b)(1). In all other respects the judgment is affirmed. The petition for writ of habeas is denied.

Johnson, J.

We concur: Perluss, P.J.
Woods, J.

B167689 People (Not for Publication)
v.
Preciado

The conviction and resulting two-year consecutive sentence imposed under Count 6 are reversed and remanded for a hearing before a jury, unless appellant waives his right to a jury trial, to determine whether the prerequisites of Penal Code section 803(g) are satisfied. If it is determined those prerequisites are not satisfied, the trial court shall vacate the conviction and sentence on that count. If it is determined the prerequisites are satisfied, the trial court shall reinstate the conviction and sentence. In all other respects, the judgment is affirmed.

Johnson, J.

We concur: Perluss, P.J.
Zelon, J.

DIVISION EIGHT

Court convened at 9:03 a.m.

Present: Cooper, P.J., Rubin, J., Boland, J., Flier, J. and Connie Hon, Deputy Clerk.

DIVISION EIGHT (Continued)

Each of the following:

B169493 People v. Mortis
B170059 People v. George R.
B170343 DCFS v. Joshua S. et al.
B170957 People v. Cobb
B171216 DCFS v. Hector G.
B171660 DCFS v. Maria M.
B172442 DCFS v. Patricia E.
B173563 DCFS v. Jose B.
B167691 People v. Kang
B168169 People v. Brown
B168828 Rack v. Rack
B169247 People v. Portillo
B169381 People v. Gilliam
B170887 People v. Espinoza
B173137 People v. Trujillo

Argument waived, cause submitted.

B166432 Major Medical Center, Inc.
 v.
 Kundu

Matter continued to October 26, 2004.

B165767 People
 v.
 Squibel

Merits:

Argued by Martin Kassman for appellant and by Roy C. Preminger, Deputy Attorney General for respondent. Cause submitted.

DIVISION EIGHT (Continued)

B171126 Mid-Century Insurance Company

v.

Workers Compensation Appeals Board

Los Angeles County Harbor/UCLA Medical Center, Respondent

Merits:

Argued by Richard Zaks for petitioner and by Robert Feinglass for respondents. Cause submitted.

B166840 Longwood et al.

v.

Restamian

Merits:

Argued by Frank J. Lizaraga, Jr. for appellant and no appearance for respondents. Cause submitted.

B164367 Chow et al.

v.

Sha et al.

Merits:

Argued by Steven L. Sugars for appellants and by Dale Gronemeier for respondents. Cause submitted.

B170438 Lujan

v.

Minagar

Merits:

Argued by Miles E. Locker for appellant and by Joan C. Lavine for respondent. Cause submitted.

DIVISION EIGHT (Continued)

B167891 Park Place Associates et al.
 v.
 The Bell Gardens Bicycle Club et al.

Merits:

Argued by Robert Baker for appellant (The Bell Gardens Bicycle Club et al.), by Richard E. Posell for appellant (Hardie et al.) and by John R. Pelle for respondents. Cause submitted.

B170716 Lacy Street Hospitality Services
 v.
 City Of Los Angeles

Merits:

Argued by Roger Jon Diamond for appellant and by Steven N. Blau, Deputy City Attorney for respondent. Cause submitted.

B173810 Kreiss
 v.
 Kreiss

Appearance:

Thomas P. Dunlap for appellant and argument waived for respondent .
Cause submitted.

B170152 Villatoro
 v.
 Ocha

Merits:

Argued by Leslie VanAntwerp for appellant. Argument waived for respondent. Cause submitted.

Court recessed at 12:00 p.m.

DIVISION EIGHT (Continued)

Court reconvened at 1:09 p.m.

Present: Cooper, P.J., Rubin, J., Boland, J., Flier, J. and Connie Hon, Deputy Clerk.

B168195 Nihipali,
 v.
 County Of Los Angeles,

Merits:
Argued by John M. Inferrera for appellant and by Ruben Baeza, Jr., Deputy
County Counsel for respondents. Cause submitted.

B170113 People
 v.
 Tabizon

Merits:
Argued by David C. Read for appellant and by Peggie Bradford Tarwater,
Deputy Attorney General for respondent. Cause submitted.

B166686 Goliger et al.
 v.
 AMS Properties, Inc.

Merits:
Argued by Sean D. Cowdrey for appellant and by Andrew N. Chang for
respondents. Cause submitted.

B167873 People
 v.
 Pena

Merits:
Argued by Fay Arfa for appellant and by Robert S. Henry, Deputy Attorney
General for respondent. Cause submitted.

DIVISION EIGHT (Continued)

B169948 Moor, Jr.
v.
Director Of The California Department Of Motor Vehicles

Merits:
Argued by A. William Bartz for appellant and by Jack T. Kerry for respondent. Cause submitted.

B167756 Cord et al.
v.
City Of Los Angeles

Merits:
Argued by Vincent Vallin Bennett for appellants and by Blithe S. Bock for respondent. Cause submitted.

B166360 United Community and Housing Development Corporation et al.
v.
Ace Property & Casualty Insurance Company et al.

Merits:
In open court appellant's letter request for continuance of oral argument is denied. Argued by Robert J. Romero and Lee I. Petersil for respondents. There being no appearance for appellant, cause submitted.

B168138 Kates
v.
Ed Grush General

Merits:
Argued by Will Tomlinson for respondent, by Michael D. Ainbinder for appellant and by Josephine M. Chow for Amicus Curiae, KCB Towers, Inc. Cause submitted.

Court adjourned at 3:23 p.m.